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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for the Idaho Conservation League

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE)	
APPLICATION OF AVISTA)	CASE NO. AVU-E-14-03
CORPORATION FOR APPROVAL OF)	
PROPOSED REVISIONS TO)	IDAHO CONSERVATION LEAGUE
SCHEDULE 62)	
)	COMMENTS

The Idaho Conservation League (ICL) submits the following comments on Avista proposed revisions to Schedule 62. In order to facilitate the cost-effective expansion of Idaho's clean energy resources, ICL and our supporters have an interest in ensuring a fair, transparent, and timely process to finalize power purchase agreements in Idaho. To further this interest ICL participated in prior dockets concerning PURPA in Idaho GNR-E-11-01 and GNR-E-11-03. During this process ICL proposed ideas to clarify the procedure for developers and utilities when negotiating PURPA contracts. Based on this interest and prior involvement ICL finds Avista's proposed revisions generally acceptable except for the changes detailed below.

Rates, tariff sheet 62B

General

Subsection 3 sets forth the available rates for Qualifying Facilities. This section does not include a rate option for qualifying facilities larger than the Eligibility Cap. The tariff should include an additional option, number (6) for these projects to seek pricing under the IRP methodology.

Short-Term Rates, tariff sheet 62B

The "(3) Short-Term Rate" should be available to any size qualifying facility as the "as available" rate option provided by 18 C.F.R. § 292.304(d)(1). The Commission should strike the words "up to the Eligibility Cap" from the fourth sentence.

Contracting Procedures, tariff sheet 62C

General

Avista proposed list of information developers must provide to receive indicative pricing to exhausting. But the list also includes the term “shall include, but not be limited to”. This open ended requiring adds confusion and uncertainty. Instead ICL recommends the Commission strike the phrase “shall include, but not be limited to” in the last sentence of subsection (1)A.

Output Files

Subsection 1.A.iv requires all Qualifying Facilities to provide 8760 hours of output to receive indicative pricing. This level of detail is unnecessary and overly burdensome for projects seeking published avoid costs rates. ICL recommends the Commission add the term “if the Qualifying Facility exceeds the Eligibility Cap,” at the beginning of subsection 1.A.iv.

Company Time to Confirm

Subsection B allows Avista ten (10) business days to confirm the developer’s request provides the necessary information. ICL recommends the Commission shorten this time to five (5) business days, which is sufficient time to complete this ministerial task.

Company Time to Respond

Subsection C allows Avista twenty five (25) business days to provide indicative pricing under the IRP methodology. ICL recommends the Commission shorten this to twenty (20) business days, which is consistent with the 30 calendar days provided for the same task by Idaho Power’s tariffs in Oregon.

Creating Binding Rate Offers

Subsection D imposes a new standard to creating a binding legal obligation between Avista and Qualifying Facilities. ICL recommends the Commission strike subsection D.ii.b., which requires a Qualifying Facility to ensure delivery within 180 days of receiving a power purchase agreement. This is a wholly new requirement that goes far beyond the Commission precedent of requiring a fully executed and approved contract or the filing of a meritorious complaint. History shows that the intricate dance of reaching contracting benchmarks and financing projects requires a longer window of opportunity for project developers. ICL

recommends the Commission maintain the existing standards for creating a legally enforceable obligation.

Developer Request for Draft Agreement

Subsection E sets forth the information Qualifying Facilities must submit to receive a draft power purchase agreement from Avista including a requirement for developers to have completed interconnection studies. ICL recommends the Commission strike this term in subsection E.iv. Adding this term to Schedule 62 will merely create confusion as to the exact point in the interconnection process at which a facility can request a power purchase agreement. The Qualifying Facility already bears the risk of not performing on the power purchase agreement if they cannot complete the interconnection process in time.

Company Time to Confirm

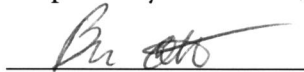
Like above, subsection E allows Avista ten (10) business days to confirm the developer's request provides the necessary information. ICL recommends the Commission shorten this time to five (5) business days, which is sufficient time to complete this ministerial task.

Developer Time to Return Final Power Purchase Agreement

Subsection L provides developers with only five (5) business days to review, execute, and return a final power purchase agreement. ICL recommends the Commission extend this time to ten (10) business days to provide sufficient time for this complex task. The Commission should also clarify the timing by changing the term "return" to "forward" in both this Subsection and Subsection M.

ICL appreciates Avista's efforts to clarify and simplify the contract procedures for Qualifying Facilities. The comments above are intended to further clarify the process and balance the public interest in developing Idaho's clean energy resources while ensuring Idahoans continue to pay fair and reasonable rates. Approving Avista's proposed Schedule 62, with ICL's recommended changes, will foster this balance.

Respectfully submitted,



Benjamin J. Otto
Idaho Conservation League

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2014, I delivered true and correct copies of the foregoing COMMENT to the following persons via the method of service noted:

Hand delivery:

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Commission Secretary (Original and seven copies provided)
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A handwritten signature in black ink, appearing to read "B. Otto", is written over a horizontal line.

Benjamin J. Otto